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PATENT  
Attorney Docket 044921-5058-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Patricia Murphy et al.**

Application No. **09/084,471**

Filed: **May 22, 1998**

Examiner: **C. Myers**

Art Unit: **1634**

For: **Novel Coding Sequence Haplotypes of the Human BRCA2 Gene**

U.S. Patent and Trademark Office  
Customer Window, **Mail Stop AF**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

### TRANSMITTAL FORM

- Transmitted herewith is an Amendment Under 37 C.F.R. 1.116 in response to the Final Office Action dated October 5, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a two-month extension of time from January 5, 2005 to March 5, 2005, the fee for a small entity which is **\$225.00** as set out in 37 C.F.R. 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310. This request is being filed under the next business day rule on Monday, March 7, 2005 as the due date for responding fell on a Saturday (March 5, 2005).
- Fee Calculation (37 C.F.R. 1.16):

| CLAIMS AS AMENDED                              |           |       |                 |          |  |             |
|--|-----------|-------|-----------------|----------|--|-------------|
|  | Remaining |       | Previously Paid | Extra    | Rate   | Total Fees  |
| Total Claims                                   | <b>15</b> | minus | <b>80</b>       | <b>0</b> | \$50.00 each=                                      | <b>0.00</b> |
| Independent Claims                             | <b>2</b>  | minus | <b>3</b>        | <b>0</b> | \$200.00 each=                                     | <b>0.00</b> |
| First presentation of Multiple dependent claim |           |       |                 |          | \$360.00   | <b>0.00</b> |
|  |           |       |                 |          | <b>Sub-total =</b>                                 | <b>0.00</b> |
|  |           |       |                 |          | <b>Reduction by ½ for filing by a small entity</b> | <b>0.00</b> |
|  |           |       |                 |          | <b>Total Fee =</b>                                 | <b>0.00</b> |

- Fee Payment: The Commissioner is hereby authorized to charge **\$225.00** to Deposit Account No. 50-0310 for payment of the two-month extension of time fee at the small entity rate.

03/09/2005 AWONDAF1 00000064 500310 09084471

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5. **Constructive Petition:** Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **March 7, 2005**

Morgan, Lewis & Bockius LLP

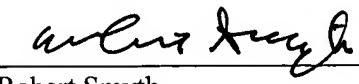
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Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
Robert Smyth  
Registration No. 50,801



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**AMENDMENT UNDER 37 C.F.R. 1.116**

In response to the Office Action dated 5 October 2004, the period of response to which has been extended two months by the accompanying petition and fee, please amend the above-identified application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 4 of this paper.